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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,098

03/31/2004

Luis Cavada

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05/04/2005

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EXAMINER

VAN, QUANG T

ART UNIT

PAPER NUMBER

3742

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/815,098

Applicant(s)

CAVADA ET AL.

Examiner

Quang T Van

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

***Specification***

1. The abstract of the disclosure is objected to because it contains more than 150 words. Correction is required. See MPEP § 608.01(b).

***Drawings***

2. The drawings filed 3/31/2004 are considered as informal because, in Figures 3-5, all the lines and reference numerals are rough and non-uniform. The descriptive words in the Figures are also not legible. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The term "A new technology cooking appliance having an intelligent user interface, comprising: a new technology cooking appliance" recited in claim 1 is indefinite because how can one device comprising itself? Correction is required.

4. The term "a new technology cooking appliance" in claim 1 is a relative term which renders the claim indefinite. The term "new technology" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is suggest the term "a new technology cooking appliance" should be changed to "a cooking appliance" (also noted through all the claims).  
Correction is required.

5. The term "an intelligent user interface" in claim 1 is a relative term which renders the claim indefinite. The term "intelligent " is not defined by the claim, the specification

Art Unit: 3742

does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. . It is suggest the term "an intelligent user interface". should be changed to "an user interface" (also noted through all the claims). Correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,3-6, 9-14, 16-17, 20-21, 34, 36-39, 42-47, 49-50 and 53-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Kume et al (US 6,013,908). Kume discloses a cooking apparatus comprising a cooking appliance (10); an user interface (20) for controlling the cooking appliance (10), wherein the user interface has a plurality of predefine food cooking profiles (27) selectable by a user.

8. Claims 1,3, 4-6, 9-12, 34, 36-39, and 42-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Edamura (US 5,317,134). Edamura discloses a microwave oven comprising a cooking appliance (79); an user interface (81) for controlling the cooking appliance (79), wherein the user interface has a plurality of predefine food cooking profiles (figure 30) selectable by a user.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3742

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kume et al (US 6,013,908) or Edamura (US 5,317,134) in view of Chun (US 20040134900). Kume and Edamura disclose substantially all features of the claimed invention except a power on-off switch. Chun'900 discloses a microwave having a power on-off switch (page 1, par. 0013). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Kume and Edamura a power on-off switch as taught by Chun'900 in order to turn on-off the cooking appliance.

11. Claims 7-8 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kume et al (US 6,013,908) or Edamura (US 5,317,134) in view of Chun (US 20020144995). Kume and Edamura disclose substantially all features of the claimed invention except the display screen by scrolling a list of the plurality of predefined food cooking profiles. Chun'995 discloses a microwave oven having display screen by scrolling a list of the plurality of predefined food cooking profiles (page 4, par. 0054 and par. 0055). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Kume and Edamura a microwave oven having display screen by scrolling a list of the plurality of predefined food cooking profiles as taught by Chun'995 in order to select the favorite predefined food.

12. Claims 15, 22-23, 48, 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kume et al (US 6,013,908) or Edamura (US 5,317,134) in view of

Hirata et al (US 6,097,016). Kume and Edamura disclose substantially all features of the claimed invention except a cookies control switch. Hirata discloses cooking apparatus having a cookies control switch (figures 3B, 3C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Kume and Edamura a cookies control switch as taught by Hirata in order to initiate a cookies cooking profile. With regard to claims 23 and 56, the turkey bake-roast cooking profile. Hirata discloses only chicken bake-roast cooking profile, but does not disclose the turkey bake-roast cooking profile. It would have been obvious to one having ordinary skill in the art to make a cooking profile as a turkey bake-roast cooking profile. Doing so would improve the cooking profile for user having variety of food selection.

13. Claims 18-19, 29-32, 51-52, 62-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kume et al (US 6,013,908) or Edamura (US 5,317,134) in view of Carlson et al (US 4,580,025). Kume and Edamura disclose substantially all features of the claimed invention except a reheat control switch. Carlson discloses microwave oven having a reheat control switch (150, col. 10, lines 57-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Kume and Edamura a reheat control switch as taught by Carlson in order to initiate a menu of a plurality of reheat cooking profiles to be displayed.

14. Claims 33 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kume et al (US 6,013,908) or Edamura (US 5,317,134) in view of Carlson et al (US 4,580,025) and further in view of Dills (US 4,093,841). Kume /Edamura/Carlson disclose substantially all features of the claimed invention except measure thickness of

Art Unit: 3742

a food to be cooked when the selected convert-menu cooking profile. Dills discloses measure thickness of a food to be cooked when the selected convert-menu cooking profile (col. 1, lines 45-48). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Kume /Edamura/Carlson measure thickness of a food to be cooked when the selected convert-menu cooking profile as taught by Dills in order to cook the food with appropriate cooking time and temperature.

15. Claims 24-28, and 57-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kume et al (US 6,013,908) or Edamura (US 5,317,134) in view of Bales et al (US 6,486,453). Kume and Edamura disclose substantially all features of the claimed invention except a broil control switch. Bales disclose oven having control switch for selecting cooking mode such as bake, roast , broil and toast etc..., and an appropriated temperature is selected to suitable for each kind of food (figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Kume and Edamura a broil control switch as taught by Bales in order to initiate a menu of plurality of broil cooking profile to be displayed and then selects one for broiling.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV

April 27, 2005



Quang T Van  
Primary Examiner  
Art Unit 3742